



~~December 15, 2005 CPC~~
~~February 21, 2006 CPC~~
~~March 21, 2006 CPC~~
~~April 18, 2006 CPC~~
May 24, 2006 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

06SN0119
(AMENDED)

DSRA, LLC

Bermuda Magisterial District
Southwest quadrant of West Hundred Road and Interstate 95

REQUEST: Rezoning from Agricultural (A) and General Business (C-5) to Community Business (C-3).

PROPOSED LAND USE:

Two (2) restaurants are planned. (Proffered Condition 4)

PLANNING COMMISSION RECOMMENDATION

RECOMMEND DENIAL.

AYES: MESSRS. GECKER, BASS AND GULLEY.

NAYS: MESSRS. WILSON AND LITTON.

STAFF RECOMMENDATION

Recommend denial for the following reason:

While the proposed zoning and land uses conform to the Southern Jefferson Davis Corridor Plan which suggests the property is appropriate for commercial use, the application fails to restrict any additional vehicular movements from the site to West Hundred Road thereby creating health, safety and welfare issues as discussed herein.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNER(S) MAY PROFFER OTHER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE

COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

1. Except for timbering approved by the Virginia Division of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a Land Disturbance Permit has been obtained from the Department of Environmental Engineering and the approved devices have been installed. (EE)
2. No direct vehicular access shall be permitted to the property from West Hundred Road (State Route 10). (T)
3. The public water and wastewater systems shall be used. (U)
4. Uses shall be limited to two (2) restaurants. (P)

GENERAL INFORMATION

Location:

Southwest quadrant of the intersection of West Hundred Road and Interstate 95. Tax IDs 800-653-Part of 4668 and 800-654 Part of 2613, 2833, 4223 and Part of 5211 (Sheet 26).

Existing Zoning:

A and C-5

Size:

4.1 acres

Existing Land Use:

Single family residential or vacant

Adjacent Zoning and Land Use:

North - C-5; Commercial or vacant
South - A; Vacant
East - A and C-3; Public/semi-public or vacant
West - C-5; Commercial

UTILITIES

Public Water System:

There is an existing ten (10) inch water line extending along West Hundred Road, adjacent to this site. Use of the public water system is intended and has been proffered. (Proffered Condition 3)

Public Wastewater System:

There is an existing ten (10) inch wastewater collector line serving the adjacent property west of this site. This line terminates approximately 350 feet west of the request site. Use of the public wastewater system is intended and has been proffered. (Proffered Condition 3) Further evaluation will be required by the applicant's engineer to determine that adequate capacity is available in the existing wastewater line to serve this site.

ENVIRONMENTAL

Drainage and Erosion:

The property drains to the east of Redwater Creek. There are no current on- or off-site drainage or erosion problems and none are anticipated after development.

The site is wooded and should not be timbered without first obtaining a land disturbance permit from the Department of Environmental Engineering. This will insure that proper erosion control devices are in place. (Proffered Condition 1)

PUBLIC FACILITIES

Fire Service:

The Dutch Gap Fire Station, Company Number 14 and Bensley-Bermuda Volunteer Rescue Squad, currently provide fire protection and emergency medical service (EMS). This request will have a minimal impact fire and EMS.

Transportation:

The property (4.1 acres) is currently zoned Agriculture (A) on 2.6 acres and General Business (C-5) on 1.5 acres. The applicant is requesting rezoning of the property to Community Business (C-3) and has limited the use to two (2) restaurants (Proffered Condition 4). Based on high turnover (sit down) restaurant trip rates, development of the property could generate approximately 1,280 average daily trips.

Development must adhere to the Development Standards Manual in the Zoning Ordinance, relative to access and internal circulation (Division 5). The Thoroughfare Plan identifies West Hundred Road (Route 10) as a major arterial. Access to major arterials,

such as Route 10, should be controlled. The applicant has proffered that no direct access will be provided from the property to Route 10 (Proffered Condition 2). The Virginia Department of Transportation, in conjunction with the construction of Interstate 95 (I-95), acquired limited access right of way along Route 10 for the property frontage. The applicant intends to access Route 10 through the adjacent hotel and restaurant development ("Adjacent Site"), located west of the property. Staff does not support any development on the property that would access (entering or exiting) Route 10, even through the Adjacent Site. The Virginia Department of Transportation agrees with staff's position.

The Southern Jefferson Davis Corridor Plan identified the access limitations of developing the parcels in this area. The Plan states ..."primary access for future development in the southwest quadrant of I-95 and Route 10 (West Hundred Road), north of John Tyler Community College, may be limited to one intersection along Jefferson Davis Highway, at Weir Road." All traffic generated by development of the property should be distributed to the Weir Road/Route 1 intersection.

Route 10 from Route 1 to Meadowville Road is on the Board of Supervisors' Priority List of Highway Needs. No public road improvements in this part of the county are currently included in the Six-Year Improvement Plan. As part of the approved bond referendum, a project was included to widen Route 10 from I-95 to Ware Bottom Spring Road, including replacement of the bridge over the Seaboard Coastline Railroad. Construction of these interim improvements is anticipated to begin in summer of 2010.

The section of Route 10 between Route 1 and I-95 currently carries approximately 43,000 vehicles a day and is at capacity (Level of Service E) for the volume of traffic it currently carries. There are three (3) crossovers along this section of Route 10 that are each less than 500 feet apart. This distance is about half the desirable crossover spacing. In addition, the first crossover on Route 10 west of I-95, is located in the area where drivers accelerate and decelerate in accessing the interchange. This crossover is located less than 500 feet from the I-95 interchange, which is about a third of the desirable spacing from an interchange. Drivers using all of these crossovers along this section of Route 10 already experience long delays, especially during peak hours. A review of recent traffic accident statistics indicated that there were 37 accidents along this section of Route 10 in 20 months, 9 of them involving injuries. Of the 37 accidents, 14 (or almost 40 percent) occurred at or near the existing crossover just west of I-95. This crossover directly serves several developments on the north side of Route 10.

The spacing between this crossover just west of I-95 and the existing access for the Adjacent Site is approximately 160 feet. Drivers desiring to travel west on Route 10 from the proposed development would exit through the Adjacent Site access, cross two lanes of traffic over a very short distance and U-turn at the crossover. In addition, to enter the proposed development from I-95 and westbound Route 10, drivers would U-turn at a crossover that does not have a left turn storage lane, and cross two lanes of traffic over a very short distance (approximately 210 feet) to the Adjacent Site access. Performing these types of traffic movements already creates an undesirable situation. Adding traffic

from new development would only make the condition worse, and could increase the number of accidents. Without a commitment that all traffic generated by the proposed development will be distributed to Route 1 at the Weir Road intersection and not to Route 10, the Transportation Department cannot support the request.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Southern Jefferson Davis Corridor Plan which suggests the property is appropriate for commercial use.

Area Development Trends:

Surrounding properties are zoned General Business (C-5) and Agricultural (A) and are developed for commercial, office and public/semi-public uses or are currently vacant. It is anticipated that development within the northwest and southwest quadrants of the Route 10/I-95 interchange will continue to develop for General Business (C-5) uses, as suggested by both the Jefferson Davis Highway Corridor and the Southern Jefferson Davis Corridor Plans.

Site Design:

Currently, the request property lies within a Post Development District Area. Development of this site must conform to the requirements of the Zoning Ordinance which address access, parking, landscaping, architectural treatment, pedestrian access, setbacks, signs, buffers, utilities and screening of dumpsters and loading areas.

Uses:

At the request of the Bermuda District Commissioner, uses would be limited to two (2) restaurants, not to include carry out or fast food. (Proffered Condition 4)

CONCLUSION

While the proposed zoning and land uses conform to the Southern Jefferson Davis Corridor Plan which suggests the property is appropriate for commercial use, the application fails to address transportation concerns, as discussed herein.

Given the health, safety and welfare concerns related to transportation impacts, denial of this request is recommended.

CASE HISTORY

Planning Commission Meeting (12/15/05):

At the request of the applicant, the Commission deferred this case to February 21, 2006.

Staff (12/16/05):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than December 20, 2005, for consideration at the Commission's February 21, 2006, public hearing.

Also, the applicant was advised that a \$130.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (12/22/05):

The deferral fee was paid.

Staff (1/26/06):

To date, no new information has been submitted.

Area Property Owners, Applicant, Staff and the Bermuda and Dale District Commissioners (2/13/06):

A meeting was held to discuss this request. Discussion included a proposal to include additional acreage to provide a secondary means of access to the subject property from Weir Road.

Applicant (2/20/06):

The application was amended to delete the southern 4.9 acres from this request.

Planning Commission Meeting (2/21/06):

At the request of the applicant, the Commission deferred this case to March 21, 2006.

Staff (2/22/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than February 27, 2006, for consideration at the Commission's March 21, 2006, public hearing.

Also, the applicant was advised that a \$230.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (2/28/06):

Additional proffered conditions were submitted.

Staff (3/1/06):

To date, the deferral fee has not been paid.

Applicant (3/3/06):

The deferral fee was paid.

Applicant (3/21/06):

Proffered conditions were amended.

Planning Commission Meeting (3/21/06):

The applicant did not accept the recommendation. There was opposition present. Concerns were expressed relative to traffic levels and access safety along Route 10.

Mr. Wilson noted that a portion of the property was currently zoned C-5 with potential access rights to Route 10; and that the deletion of the southern 4.9 acres from the original request eliminated the potential for additional development accessing Route 10.

Mr. Gecker noted hazardous travel conditions on Route 10; the question of access rights to Route 10 given the development's inability to locate within the C-5 limits; and the negative impact on closing crossovers on existing businesses with access rights.

A motion was made by Mr. Wilson, seconded by Mr. Litton, to recommend approval and acceptance of the proffered conditions on pages 1 and 2.

AYES: Messrs. Wilson and Litton.

NAYS: Messrs. Gecker and Bass.

ABSENT: Mr. Gulley.

Due to a lack of a majority vote, the case carried over to the Commission's April 18, 2006, public hearing.

Staff (3/22/06):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than March 27, 2006, for consideration at the Commission's April 18, 2006, public hearing.

Staff (3/27/06):

To date, no new information has been submitted.

Planning Commission Meeting (4/18/06):

The applicant did not accept the recommendation. There was support and opposition present.

Those in support indicated the development would enhance the area. Those in opposition indicated their concerns relative to traffic safety and the potential that additional traffic accessing Route 10 would result in the closing of existing crossovers; thereby, adversely affecting existing businesses.

Messrs. Litton and Wilson indicated that a portion of the property is already zoned; that area property owners should work together to arrive at an acceptable solution to the traffic concerns.

Messrs. Gecker, Gulley and Bass expressed concern relative to additional traffic from this development and future development of adjacent properties accessing Route 10 given the proximity to the Routes 10/95 interchange and spacing of existing crossovers along Route 10. It was suggested that an area transportation plan should be developed and implemented to address area traffic safety issues.

Mr. Wilson made a motion to recommend approval and accept the proffered conditions on page 2. Mr. Litton seconded the motion.

AYES: Messrs. Wilson and Litton.

NAYS: Messer. Gecker, Bass and Gulley.

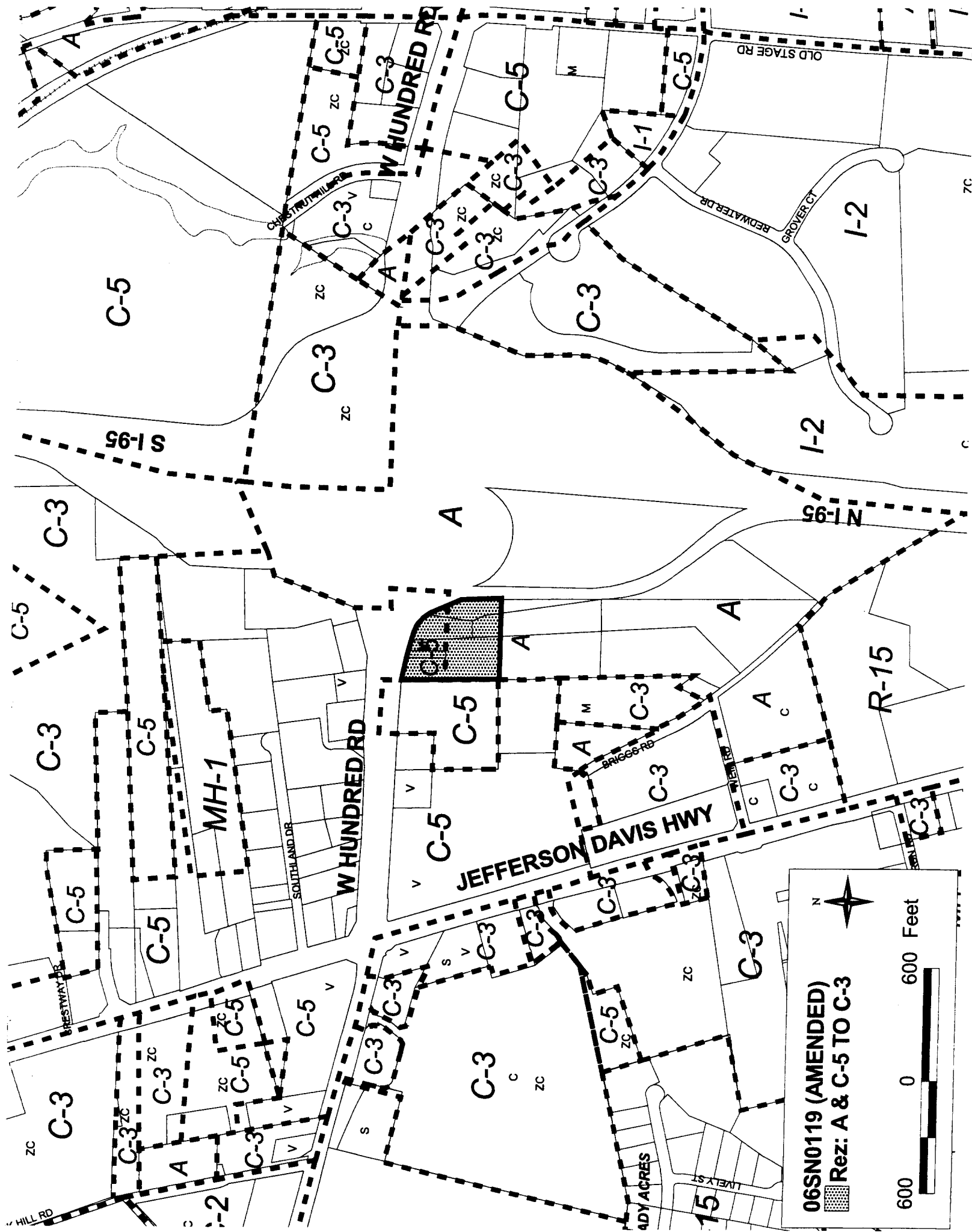
The motion, therefore, failed.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission recommended denial of this request.

AYES: Messrs. Gecker, Bass and Gulley.

NAYS: Messrs. Litton and Wilson.

The Board of Supervisors, on Wednesday, May 24, 2006, beginning at 7:00 p.m., will take under consideration this request.



06SN0119 (AMENDED)
Rez: A & C-5 TO C-3





CASE 06SN0119

RO

06SN0119-1